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| Office Action Summary | Application No. 10/725,929 | Applicant(s) MATSUMI ET AL. | |
| | Examiner MONICA M. PYO | Art Unit 2161 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20100625</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

1. This communication is responsive to the Amendment filed 4/5/2010.
2. Claims 1, 6 and 9-20 are currently pending in this application. Claims 1 and 9-14 are independent claims. In the Amendment filed 4/5/2010, claims 1, 9-15 and 17 are amended. Claims 1, 6 and 9-20 are rejected. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6 and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,282,362 issued to Murphy et al. (hereinafter Murphy) in view of U.S. Patent No. 7,054,888 issued to LaChapelle et al. (hereinafter LaChapelle).

Regarding claims 1 and 12-20, Murphy discloses a recording and reproducing system, comprising:

a record medium for holding a plurality of data files (Murphy: col. 9, lns. 22-38; as the IRD180 stores the digital object image data files);

a recording apparatus including a parameter extractor for extracting parameter information (i.e., the playback unit 104 down-loads the image data, position data L_i , time T_i associated with index number N) associated with each of the plurality of data files and recording

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the parameter information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files (Murphy: col. 9, lns. 39-col. 10, lns. 12 & 45-54; as the recording of the system position at the time of capture and recording of the object image for the playback unit); and

a reproducing apparatus including a data reproducer for reproducing one of the plurality of data files (Murphy: col. 10, lns. 45-54 - examples of visual image data or audio stream data) by using the corresponding reproduction parameter in the parameter information file (Murphy: col. 10, lns. 1-21; as the playback unit utilizing the position data L, the time T_i and the index number N).

each of the plurality of data files is given a unique data file ID corresponding to a sequential order, and using the respective unique data file ID in the record medium (Murphy: col. 9, lns. 22-38 and 45-67; col. 10, lns. 22-col. 11, lns. 6; fig. 1).

Murphy does not explicitly disclose the features of the system associating numerical identifiers ordered sequentially ordered with the selected media files, parameter information that is associated with each of the plurality of the data files is stored in the parameter information file, the parameter extractor extracts meta-data information associated with the data file and records the meta-data information, however, such feature is well known in the art as disclosed by LaChapelle (LaChapelle: col. 5, lns. 55-67; col. 6, lns. 38-58; col. 7, lns. 9-34; col. 10, lns. 50-col. 11, lns. 22; col. 17, lns. 34-col. 18, lns. 26) and it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teachings of LaChapelle in the system of Murphy in view of improving the efficiency of the data recording and reproducing system.

Regarding claim 3, Murphy and LaChapelle disclose the recording and reproducing system wherein the parameter information that is associated with each of the plurality of data files is stored in a predetermined location, the parameter extractor obtains the parameter information from the predetermined location (Murphy: col. 9, lns. 22-37; col. 16, lns. 40-52).

Regarding claim 6, Murphy and LaChapelle disclose the recording and reproducing system wherein the reproduction parameter for each of the plurality of data files is provided in the parameter information file by using the respective unique data file Id (Murphy: col. 10, lns. 1-12 & 22-54) and (LaChapelle: col. 5, lns. 55-67; col. 6, lns. 38-58).

Regarding claims 9-11, Murphy and LaChapelle disclose a recording apparatus, comprising: a parameter extractor for extracting parameter information (i.e., the playback unit 104 down-loads the image data, position data L_i , time T_i associated with index number N) associated with each of a plurality of data files (Murphy col. 10, lns. 45-54 - examples of visual image data or audio stream data) held in a record medium and recording the parameter information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files (Murphy: col. 9, lns. 39- col. 10, lns. 12; col. 10, lns. 45-54; as the recording of the system position at the time of capture and recording of the object image for the playback unit), wherein one of the plurality of data files is reproduced by using the corresponding reproduction parameter in the parameter information

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file (Murphy: col. 10, lns. 1-21; as the playback unit utilizing the position data L, the time T_i and the index number N).

each of the plurality of data files is given a unique data file ID corresponding to a sequential order, and using the respective unique data file ID in the record medium (Murphy: col. 9, lns. 22-38 and 45-67; col. 10, lns. 22-col. 11, lns. 6; fig. 1).

Murphy does not explicitly disclose the features of the system associating numerical identifiers ordered sequentially ordered with the selected media files, parameter information that is associated with each of the plurality of the data files is stored in the parameter information file, the parameter extractor extracts meta-data information associated with the data file and records the meta-data information, however, such feature is well known in the art as disclosed by LaChapelle (LaChapelle: col. 5, lns. 55-67; col. 6, lns. 38-58; col. 7, lns. 9-34; col. 10, lns. 50-col. 11, lns. 22; col. 17, lns. 34-col. 18, lns. 26) and it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teachings of LaChapelle in the system of Murphy in view of improving the efficiency of the data recording and reproducing system.

Additionally, regarding claims 10 and 14, Murphy and LaChapelle disclose the feature of a data reproducer for reproducing one of a plurality of data files held in a record medium by using a corresponding reproduction parameter in a parameter information file (LaChapelle: col. 22, lns. 4-45).

Response to Arguments

5. Applicant's arguments filed 4/5/2010 have been fully considered but they are not persuasive.

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Applicant argues that Murphy in view LaChapelle does not disclose the features of “each file has a unique data file ID corresponding to the sequential order in which the parameter information is stored in the parameter information file and the metadata is stored in the meta-data information file.” However, the examiner disagrees with this argument. As explained in the above rejection, Murphy discloses (in col. 9, lns. 22-38 and 45-67; col. 10, lns. 22-col. 11, lns. 6; fig. 1) the feature of each image file having a unique data file ID in a sequential order <see fig. 1, element 242>. While the Murphy reference illustrates an image file with the unique data file IDs in a sequential order, LaChapelle discloses (in col. 5, lns. 55-67; col. 7, lns. 9-34; col. 10, lns. 50-col. 11, lns. 22) the features of the system having a play list organized into groups of audio, video, and image files on a computer-readable medium and the preparation module obtaining metadata for one or more selected media files. Thus, the teachings of Murphy in view of LaChapelle read on the broadly claimed limitation of claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. It should be noted that it is the claims that define the claimed invention, and it is the claims, not the specification, that are anticipated or unpatentable. It should be also noted that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments. Further, in response to applicant's arguments against the references individually, it should be noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon- Fri 8:00 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo
Examiner
Art Unit 2161

06/2010

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161